

**PUBLIC SAFETY PEER COUNSELING PROVISIONS**

2018 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill creates provisions for peer support and counseling services within public safety agencies.

**Highlighted Provisions:**

This bill:

- defines terms;
- provides for the creation of teams to provide peer support and counseling services within public safety agencies;
- requires that members of the peer support team receive training in accordance with POST guidelines; and
- prohibits the release of information obtained through peer counseling except in specified circumstances.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**78B-5-901**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78B-5-901** is enacted to read:

**78B-5-901. Public safety peer counseling disclosures.**

(1) This part is known as "Public Safety Peer Counseling Disclosures."

(2) As used in this chapter:

(a) "Communication" means an oral statement, written statement, note, record, report, or document made during, or arising out of, a meeting between a law enforcement officer,

firefighter, emergency medical service or rescue provider and a peer support team member.

(b) "Emergency medical service provider or rescue unit peer support team member"

means a person who is:

(i) an emergency medical service provider as defined in Section 26-8a-102, a regular or volunteer member of a rescue unit acting as an emergency responder as defined in Section 53-2a-502, or another person who has been trained in peer support skills; and

(ii) designated by the chief executive of an emergency medical service agency or the chief of a rescue unit as a member of an emergency medical service provider's peer support team or as a member of a rescue unit's peer support team.

(c) "Law enforcement or firefighter peer support team member" means a person who is:

(i) a peace officer, civilian employee, or volunteer member of a law enforcement agency, a regular or volunteer member of a fire department, or another person who has been trained in peer support skills; and

(ii) designated by the commissioner of the Department of Public Safety, the executive director of the Department of Corrections, a sheriff, a police chief, or a fire chief as a member of a law enforcement agency's peer support team or a fire department's peer support team.

(d) "Trained" means a person who has successfully completed a peer support training program approved by Peace Officer Standards and Training Division.

(3) (a) A law enforcement or firefighter peer support team member may not be compelled to provide information or be examined during a deposition or trial without the consent of the person to whom the peer support team member has provided services regarding any communication made by the person to the peer support team member under the circumstances described in Subsection (5).

(b) A peer support services provider may not be examined or compelled to provide information regarding peer support communications without the consent of the individual receiving the peer support services.

(c) A person who has participated in psychotherapy conducted under the supervision of a person authorized by law to conduct therapy, including group therapy sessions, may not be examined concerning any information disclosed during the course of the therapy without the consent of the person who is the subject of the requested testimony.

64 (4) (a) An emergency medical service provider or rescue unit peer support team  
65 member may not be examined or compelled to provide information without the consent of the  
66 person to whom peer support services have been provided as to any communication made by  
67 the person to the peer support team member under the circumstances described in Subsection  
68 (5).

69 (b) A recipient of peer support services may not be examined or compelled to provide  
70 information regarding peer support communications without the consent of the individual  
71 receiving the peer support services.

72 (5) The provisions of Subsections (3) and (4) apply only to communications made  
73 during individual interactions conducted by a peer support team member who is:

74 (a) acting in the member's capacity as a law enforcement or firefighter peer support  
75 team member or an emergency medical service provider or rescue unit peer support team  
76 member; and

77 (b) functioning within the written peer support guidelines that are in effect for the  
78 person's respective law enforcement agency, fire department, emergency medical service  
79 agency, or rescue unit.

80 (6) This section does not apply in cases in which:

81 (a) a law enforcement or firefighter peer support team member or emergency medical  
82 service provider or rescue unit peer support team member was a witness or a party to an  
83 incident that prompted the delivery of peer support services;

84 (b) information received by a peer support team member is indicative of actual or  
85 suspected child abuse, or actual or suspected child neglect;

86 (c) the person receiving peer support is a clear and immediate danger to the person's  
87 self or others;

88 (d) there is reasonable cause to believe that the person receiving peer support has a  
89 mental illness and, due to the mental illness, is an imminent threat to the person's self or others,  
90 or is disabled; or

91 (e) the peer support team member has reasonable cause to believe there is information  
92 indicative of any criminal conduct involving the individual receiving the peer support services.